IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

WP(C).No. 34505 of 2006(G)

PETITIONER:

RIYAS BABU. V.P., S/O. ABDULLAKUTTY,
AGED 26 YEARS, VALAPPURAM HOUSE,
BEEMBUNGAL AMSOM, MAMPAD,
NILAMBUR TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE TAHSILDAR, OFFICE OF THE
TAHSILDAR, NILAMBUR.

3. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

BY G.P. SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 34505 OF 2006

Dated this the 2nd day of January, 2007

JUDGMENT

Petitioner is challenging Ext.P4 order on the ground that he was not given a proper opportunity. However, petitioner has conceded that his father was heard in the matter. If the petitioner's father was not involved in any offence I see no reason why he should go for the hearing before the Collector. Therefore if the petitioner's father appeared before the Collector, he could have only represented the petitioner in the matter. Petitioner's specific case is that petitioner has pass for transport of sand and therefore fine is not justified. However, no such case is seen considered in Ext.P4. In any case, since already order is passed directing payment of Rs. 50,000/- against which petitioner has deposited only Rs. 10,000/- for release of vehicle, I feel one more opportunity can be granted to the petitioner for rehearing before the Collector either on petitioner surrendering the vehicle before him or on payment of another Rs. 15,000/- to the second respondent and producing receipt before the first respondent. If vehicle is

surrendered or Rs. 15,000/- is paid and receipt produced before the first respondent within three weeks from today, he will reopen the matter, hear the petitioner and pass fresh orders within three weeks thereafter which will substitute impugned order. If the petitioner does not comply with the above direction, then Ext.P4 shall be treated as final after three weeks from today.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge